

## **Section II - 8a**

### **CRADA Monitoring**

#### **Part 1 - Outline**

This outline describes a process for monitoring a signed CRADA. What you do will depend upon the resources available to you. Milestone and quad charts are not required by ONR. These are to be used in developing best practices. If any of these ideas work well for you, please consider reporting your success to others in the Navy community annual meetings.

- (1) Review Signed CRADA
  - (a) Prepare milestone chart
    - (i) Use SOW
    - (ii) Use reporting Schedule
    - (iii) Use funding profile
  - (b) Prepare Quad Chart (see sample that follows)
  - (c) Meet with PI
    - (i) Upon final signature
    - (ii) Clarify lines of responsibility
      - 1. Changes in SOW
      - 2. Changes in funding
      - 3. Activity Reporting
    - (iii) Provide copy of milestone chart
    - (iv) Provide copy of Quad Chart
    - (v) Meet quarterly
- (2) Activity Reporting
  - (a) Reports and Publications
    - (i) Interim reports
      - 1. Know the schedule
      - 2. Local PI reports receipt to ORTA
    - (ii) Publications
      - 1. Review prior to Publication
        - a. Navy PI
        - b. ORTA Manager
        - c. Cleared for Public Release by Navy
      - 2. Copy of Publication
        - a. PI
        - b. ORTA Manager
          - i. Place in CRADA file
    - (iii) Classified Information
      - 1. Review local process with local Security Office
      - 2. Review local process with Navy PI
        - a. ORTA Manager on Routing
        - b. Maintain a log in CRADA file
  - (b) Intellectual Property
    - (i) Marking of Data
      - 1. Establish process for marking data
        - a. Navy PI
        - b. ORTA Manager

- c. Navy Attorney
      - d. Navy Security Office
    - 2. PI reports to ORTA Manager
      - a. Data delivered to Non-Navy Collaborator
      - b. Data received by Non-Navy Collaborator
  - (ii) Copyrights applied/ issued
    - 1. Reported by Non-Navy Collaborator
    - 2. Record copyright license to the Government
  - (iii) Trademark and Service Marks applied/issued
    - 1. Obligation to report Trademarks and Service Marks
      - a. Navy Collaborator
      - b. Non-Navy Collaborator
    - 2. Responsibility to Report Filing
    - 3. issue/Report License to Use
  - (iv) Subject Inventions
    - 1. Obligation to Report
      - a. By Navy
        - i. Report by PI
        - ii. Report to ORTA Manager
        - iii. Report to Navy Patent Attorney
      - b. By Non-Navy Collaborator
        - i. Report to PI
        - ii. Report to ORTA Manager
      - c. By both Navy and Collaborator
        - i. Report by PI
        - ii. Report to ORTA Manager
        - iii. Report to Navy Patent Attorney
        - iv. Report to Non-Navy Attorney
    - 2. Determine/Record Title and Ownership
      - a. Report by PI
      - b. Report to ORTA Manager
      - c. Report to Navy Patent Attorney
    - 3. Determine/Record Filing of Invention Disclosures
      - a. Report by PI
      - b. Report to ORTA Manager
      - c. Report to Navy Patent Attorney
      - d. Report to Non-Navy Attorney
  - (v) Nonexclusive License to Subject Inventions
    - 1. Report from Navy Attorney
    - 2. ORTA Manager Records in CRADA File
- (3) Amendments to SOW
  - (a) Use authorized Navy and Non-Navy negotiators
  - (b) Signatures
    - (i) From Non-Navy Collaborator
    - (ii) By local Commanding Officer
  - (c) Notifications and Correspondence
    - (i) Signed copy to Non-Navy Collaborator
    - (ii) Signed copy to Navy PI
    - (iii) Report to DTIS

- (4) Amendments to Funding
  - (a) Use authorized Navy and Non-Navy negotiators
  - (b) Signatures
    - (i) From Non-Navy Collaborator
    - (ii) By local Commanding Officer
  - (c) Notifications and Correspondence
    - (i) Signed copy to Non-Navy Collaborator
    - (ii) Signed copy to Navy PI
    - (iii) Signed copy to local Navy Comptroller
    - (iv) Report to DTIS
- (5) Final Reports
  - (a) From Non-Navy Collaborator
  - (b) From Navy PI
    - (i) Use Navy Form
    - (ii) Prepare final Quad Chart
    - (iii) Submit to ONR

## CRADA TITLE

<p><b>Name of Non-NAVY Collaborator</b></p> <p>CRADA: <b>Insert CRADA number</b></p> <p>FUNDS – IN: <b>yes or no</b></p> <p>Date and duration: <b>date (duration)</b></p>	<p><b>INTENT:</b></p> <p><b>One sentence summary.</b></p>
<p><b>S&amp;T Focus Area:</b></p> <p><b>Choose from Naval S&amp;T Strategic Plan</b></p> <p><b>Objective Categories:</b></p> <p><b>Choose from Naval S&amp;T Strategic Plan</b></p> <p><b>S&amp;T Research Areas:</b></p> <p><b>Choose from Naval S&amp;T Strategic Plan</b></p>	<p><b>Laboratory Name</b></p> <p><b>ORTA: name</b></p> <p><b>Phone: xxx xxx-xxxx</b></p> <p><b>E-mail: who@where</b></p>

DRAFT NOT FOR RELEASE

## Section II - 8b

### CRADA Monitoring

#### Part 2 - ORTA Checklist

<b>TASK</b>	<b>TIME REFERENCE</b>
<b>ONR ADMINISTRATIVE</b>	
Prepare ONR Summary Document	Within 10 days of signature
Send CRADA electronically & hard copy to ONR	
Enter CRADA data into DTTIS database	Within 30 days of signature
<b>FUNDING</b>	
Monitor and follow payment schedule, if applicable	
Send notice of default to NNC	15 days after default
Termination of Agreement	
Cancel option for exclusive license	
Terminate any exclusive license	
Return excess funds	After completion, expiration, or termination of CRADA
Issue financial report to Collaborator	Within 4 months of completion, expiration, or termination of CRADA
<b>REPORTS AMONG COLLABORATORS</b>	
Submission of Interim reports to Collaborator	As required by Article 6.1
Submit a final report to Collaborator that contains results obtained a list of all Subject Inventions	Within four months of completion, expiration, or termination of Agreement
<b>PUBLICATIONS or PUBLIC DISCLOSURE of SUBJECT DATA</b>	
Confer and consult prior to publication or public disclosure of Subject Data	
Review any proposed abstract, publication, presentation, or other document	Not less than 15 days and not to exceed 30 days, unless mutually agreed, prior to publication or disclosure (note "disclosure" includes peer review prior to publication)
Notification of objection to a proposed disclosure	Within 30 days of the date of notice to disclose
Notification of objection that patent rights may be compromised by a proposed disclosure	Patent Application must be filed by responsible Collaborator within 90 days of date of notification of intent to disclose
Notification of objection that public disclosure may release Controlled Unclassified Information, Proprietary Information, Restricted Access Information, or Information restricted by US security laws or regulations	Disclosure is to be postponed until Information no longer meets definition; for Proprietary Information, RAI Collaborators may agree to release
<b>MARKING OF DATA</b>	
Marking of Restricted Access Information	Mark only if Collaborators have determined such marking is appropriate.
Marking Data that are Subject to 35 USC 205	Mark at time of delivery.

<b>TASK</b>	<b>TIME REFERENCE</b>
<b>MARKING OF DATA (con't.)</b>	
Marking Data that are Classified Information, CUI, MCT, or other wise restricted.	Mark at time of delivery
Determine duration period of protection of RAI.	During negotiation of CRADA
Mark each RAI approved item with the correct expiration date.	Mark at date of approval. Negotiated date not to exceed 5 years from creation date.
<b>FOIA REQUESTS</b>	
Notify Collaborator of any FOIA requests for Data under the Agreement.	Promptly
<b>REQUEST FOR SUBJECT DATA</b>	
Deliver Subject Data to requesting Collaborator	Within fifteen (15) days of request
<b>REQUESTS FOR NON-SUBJECT DATA</b>	
Deliver marked Non-Subject Data and defined limited rights	After completion of a separate non-disclosure agreement
<b>TRADEMARKS and SERVICE MARKS</b>	
Report to Collaborator the first use of a trademark or service mark	Within thirty (30) days of employees report of use
File application for trademark or service mark	
<b>SUBJECT INVENTIONS (IP Attorney)</b>	
Provide Collaborator with a copy of each Invention Disclosure	Within sixty (60) days of receiving the Invention Disclosure from employee
<b>PATENT APPLICATIONS (IP Attorney)</b>	
File Patent Application on Subject Inventions of Navy employees	At least sixty (60) days prior to any bar date or one year from the date the Invention Disclosure was received.
Confer and consult on who should file a Patent Application on any Subject Invention	
Confer and consult on who should file a Patent Application on any Invention jointly Made	
If responsible, file a Patent Application of any Subject Invention	At least sixty (60) days prior to any bar date or one year from the date the Invention Disclosure was received.
Notify other Collaborator of intent to assume filing because Collaborator failed to file	Ten (10) days written notification
Notify other Collaborator of all filing deadlines for prosecution of a Patent Application of a Subject Invention	
Notify other Collaborator of all filing deadlines for maintenance of a Patent on a Subject Invention	
Notification of intent to respond to a filing deadline.	Sixty (60) days prior to deadline.
Provide Collaborator with copies of prosecution papers of a Patent Application of a Subject Invention	Within thirty days of receipt of such communication
Notify inventors of intention not to file a Patent Application	
Identify Preexisting Non-Subject Inventions Pertinent to the Cooperative Work	During CRADA negotiation

<b>TASK</b>	<b>TIME REFERENCE</b>
<b>CONFIRMATORY LICENSE</b>	
Each Collaborator has the obligation to provide a Confirmatory License Agreement to the other Collaborator for each nonexclusive license	Within ninety (90) days of filing
<b>EXCLUSIVE LICENSE</b>	
Navy Collaborator gives Non-Navy Collaborator the option to acquiring an exclusive license in a Subject Invention Made by Navy Collaborator employee	Non-Navy must notify Navy Collaborator within 180 days of filing the Patent Application Collaborator in order to exercise the option
	Non-Navy Collaborator must exercise an exclusive license to the Subject Invention within 180 days of election.
<b>NNC BECOMES A FOCI</b>	
Navy may terminate any exclusive license or cancel any option for an exclusive license to a Subject invention under this Agreement.	Non-Navy Collaborator becomes a FOCI that does not qualify under Executive Orders 12591, Section 4(a)
<b>FORCE MAJEUR EVENT</b>	
Notify the other Collaborator of inability to perform under a <i>Force Majeur event</i>	Prompt notification; work may be suspended
<b>THIRD PARTIES</b>	
Request written permission of other Collaborator to for use of third parties to perform any part of Cooperative Work	
<b>UNILATERAL TERMINATION</b>	
Either Collaborator may unilaterally terminate the Agreement	Not less than thirty (30) days prior to desired termination date